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TRIPURA GAZETTE

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PART--I-- Orders and Notifications by the Government of Tripura, The High Court, Government Treasury etc.

GOVERNMENT OF TRIPURA
HOME DEPARTMENT

No.13.(48)-PD/18 **Dated, Agartala the 14th August, 2018.**

NOTIFICATION

In exercise of the powers conferred by Section 357A of the Code of Criminal Procedure,1973 (Act 2 of 1974), the Governor of Tripura hereby framed the following scheme for providing fund for the purpose of compensation to the victim or his dependents who have suffered loss or injury as a result of lynching / mob violence victim and who requires rehabilitation, namely :

[1] **Short title & Commencement:**

(i) This scheme may be called the **Tripura lynching / mob violence Victim Compensation Scheme, 2018**

(ii) It shall come into effect from **the date of issue of the notification**.

(iii) **This scheme has been formulated in pursuance of the order issued by the Hon'ble Supreme Court on 17.07.2018 in disposing Writ Petition (Civil) No.754 of 2016.**

[2] **Definition:**

(i) In this scheme, unless the contest otherwise required,

(a) "Code" means the Code of Criminal Procedure, 1973(2 of 1974);

(b) "Schedule" means Schedule appended to this Scheme;

(c) "State" means State of Tripura;

d) "Dependent" means any spouse, dependent children upto age of 21 years (including legally adopted children) and dependent parents.

(e) "Victim" means a person who has suffered any loss or injury caused by reasons of the act or omission for which the accused person has been charged and the expression 'victim' includes his or her guardian or legal heir.

(ii) All other words and expressions used herein and not defined but defined in the Scheme shall have the same meaning assigned to them in the Scheme.

[3] **Objective**:

This scheme has been formulated as per order issued by the Hon'ble Supreme Court on 17.07.2018 in Writ Petition (Civil) No.754 of 2016 to fulfill the following objectives:

(i) To effectively implement this Tripura lynching / mob violence Victim Compensation Scheme, 2018 notified under the provisions of Section 357 A of Cr. P.C. and continue financial support to the victims under lynching / mob violence Victim Compensation Scheme, 2018 .

[4] **Victim Compensation Fund:**

(i) There shall be constituted a fund namely "Victim Compensation Fund for lynching / mob violence" from which amount of compensation under this scheme shall be paid to the victim or his dependents who have suffered loss or injury as a result of lynching / mob violence.

The scheme shall be implemented through the District Magistrate & Collectors of the State.

[5] Eligibility for Compensation:

(i) Victim shall be eligible for the grant of compensation if ordered by the Court.

(ii) Victim shall be eligible for the grant of compensation if:

(a) The offender is not traced or identified, but the victim is identified and the victim has to incur a lot of expenses on physical and mental rehabilitation.

(b) The victim or claimant must report the crime to the Officer-in-Charge of the local Police Station under whose jurisdiction the offence was committed or to the Judicial Magistrate having jurisdiction before making claim for compensation;

(c) The victim or claimant (in the case of death of victim) cooperates with the Police and prosecution during the investigation and trial of the case. Turning hostile, refusing to depose or turn up during trial shall be considered to be non cooperation.

(d) The death or permanent incapacitation of the victim was not the result of victim's own wrong doing or own substantial provocation.

(e) The victim suffers substantial loss of income as a result of the crime or is unable to take care of expenses of medical treatment for injury caused on account of crime.

(f) Due to death of the victim as a result of the crime, dependents may claim compensation if the family becomes destitute and there is no earning member in the family who will support the dependents.

(g) The compensation would be admissible to the victim in the event of loss of property and in the event of death or permanent incapacitation of the victim because of act of crime.

(h) Perpetrators of crime or his / her dependent will not be eligible to any compensation under the Scheme.

[6] **Procedure for grant of compensation:**

(i) Wherever a recommendation for compensation is made by the Court under sub-section(2) or (3) of Section 357A or an application is made by any victim or his dependent under sub-section (4) of Section 357A of the Code to the concern District Magistrate & Collectors of the State, it shall then be forwarded the claim with regard to the loss or injury caused to victim arising out of the lynching / mob violence along with medical report, FIR and related papers, copy of charge sheet / final report of the investigating officer or any other relevant information to Home Department for consideration of the claim of the victim. On the basis of the approval accorded by the Home Department, the amount of compensation to be paid to the victim by the District Magistrate & Collector from the fund created for that purpose.

[7] **Quantum of compensation:**

(i) The quantum of compensation to be awarded to the victim or his dependents on the basis of loss caused to the victim, medical expenses to be incurred on treatment, minimum sustenance amount required for rehabilitation including such incidental charges as funeral expenses etc subject to limit as per schedule. The compensation may vary from case to case depending on fact of each case, but shall not exceed the amount specified in the schedule.

(ii) In case of death / permanent disability / loss of property and interim relief to be provided to the victim or the next of kin of within a period of 30 days of the incident of mob violence/lynching.

(iii) Compensation received by the victim or dependent from the State in relation to the crime in question, namely, insurance, ex-gratia and / or payment received under any other Act or State-run scheme, shall be considered as part of the compensation amount under these scheme and if the eligible compensation amount exceeds the payments received by the victim from collateral sources mentioned above, the balance amount shall be paid out of Fund.

(iv) The case covered under Motor vehicle Act, 1988(59 of 1988) wherein compensation is to be awarded by the Motor Accident Claim Tribunal and cases covered under existing schemes / facilities e.g. extremist violence scheme, die-in-harness scheme etc, shall not be covered under the scheme.

(v) To alleviate the suffering of the victim, first aid facility or medical treatment to be made available free of cost provided a maximum limit of Rs.1 lakh on the certificate of the Police officer not below the rank of the Officer-in-Charge of the Police Station or Magistrate of the area concerned, or any other interim relief as deem fit.

[8] **Order to be placed on record:**

Copy of the order of compensation passed under this scheme shall be mandatorily placed on record of the trial Court to enable the Court to pass order of compensation under sub section (3) of Section 357 of the Code.

[9] **Limitation:**

No claim made by the victim or his dependents under sub section (4) of section 357-A of the Code shall be entertained after a period of six months of the crime.

[10] **Power to remove difficulties:**

If any difficulty arises in giving effect to provisions of this scheme, the Government may, as occasion arises, by order, do anything not inconsistent with the provisions of this scheme, which appears to be necessary to remove difficulty.

By order of the Governor,

14/8/18

(S. Chaudhuri)
Addl. Secretary to the
Government of Tripura

SCHEDULE

Minimum amount of compensation for the victims of lynching/mob violence

Sl. No	Description of injuries / loss	Quantum of compensation
1.	Death	Rs. 4 lakh
2.	Permanent Disability (80% or more)	Rs. 2 lakh
3.	Partial disability (40% to 80%)	Rs. 1 lakh
4.	Fully damaged/destroyed house	
	(i)Pucca House/ Shop/ Commercial Establishment.	Rs.95,000/-
	(ii)Kutcha House / Shop/ Commercial Establishment.	Rs.50,000/-
5.	Partially damaged/destroyed house	
	(i)Pucca House/ Shop/ Commercial Establishment.	Rs.5,000/-
	(ii)Kutcha House/ Shop/ Commercial Establishment.	Rs.3,000/-
6.	Damaged / destroyed Huts	Rs.4,000/- per Hut (Hut means temporary, make shift unit, inferior to Kutcha House, made of thatch, mud, plastic sheets etc. traditionally recognized as hut by the State / District Authorities